

Attorney Docket No.: 00-5019  
Application No.: 09/692,926

### REMARKS

In the Final Office Action identified above, the Examiner rejected claim 17 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement; rejected claims 1, 17, and 31 under 35 U.S.C. § 112, second paragraph as being indefinite; rejected claims 1-7, 9, 11-13, 17, 18, 20-24, 26, 31-37, 39, 41-43, and 47-49 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. (U.S. Patent No. 6,405,033) in view of Riskin (U.S. Patent No. 4,757,267)<sup>1</sup>; rejected claims 10, 25, 40, 50, and 51 as being unpatentable over Kennedy et al. and Riskin and further in view of DeVito et al. (U.S. Patent No. 5,404,350); rejected claims 8, 16, 29-30, 38, and 46 as being unpatentable over Kennedy et al., Riskin and further in view of Falcon et al. (U.S. Patent Publication Number 2002/0076031)<sup>2</sup>; and rejected claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. and Riskin and further in view of Fields et al. (U.S. Patent No. 4,839,916) and/or Aoyama (U.S. Patent No. 5,838,767.)

<sup>1</sup> The Examiner rejected claims 9-13, 20-26, and 39-43 as being unpatentable over Kennedy et al. in view of Riskin. However, the Examiner also rejected claims 10, 25, and 40 as being unpatentable over Kennedy et al. and Riskin, and further in view of DeVito et al. Because the Examiner only addressed the rejection of claims 10, 25, and 40 in the latter section, Applicants assume that the Examiner meant claims 10, 25, and 40 to only be rejected under Kennedy et al. and Riskin, and further in view of DeVito et al.

<sup>2</sup> The Examiner rejected claims 8, 16, 27-30, 38, and 46 as being unpatentable over Kennedy et al. in view of Riskin and further in view of Falcon et al. However, the Examiner also rejected claims 27 and 28 as being unpatentable over Kennedy et al. and Riskin, and further in view of Fields et al. and/or Aoyama. Because the Examiner only addressed the rejection of claims 27 and 28 in the latter section, Applicants assume that the Examiner meant claims 27 and 28 to only be rejected under Kennedy et al. and Riskin, and further in view of Fields et al. and/or Aoyama.

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By this amendment, Applicants propose amending claim 17. Claims 1-13, 16-18, 20-43, and 46-51 remain pending. Based on the following reasoning, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 112 and § 103(a).<sup>3</sup>

**I. The Rejection of Claim 17 Under 35 U.S.C. § 112, first paragraph.**

Applicants respectfully traverse the rejection of claim 17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner alleges that nothing in the specification describes or resembles a switching configuration node. Applicants respectfully disagree. However, to expedite prosecution, Applicants have amended claim 17. Accordingly, Applicants request the Examiner to withdraw the rejection of claim 17 under 35 U.S.C. § 112, first paragraph. Further, the Examiner alleges that the "specification has support for the previously claimed limitations of claim 17 which recite a service or switching node for example that received a call through which a calling party can make a service request regarding how to route his/her call" and also alleges that the "newly added limitation seems merely [to] further describe that requesting aspect."<sup>4</sup> (OA at 2.) Applicants respectfully traverse

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<sup>3</sup> As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to certain assertions or requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

<sup>4</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

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the Examiner's characterization of Applicants' invention. Page 9, lines 6-13 of

Applicants' specification states:

The present invention enables customers, whom are entities that own the call centers and utilize the call center screening service provided by the network, to designate the routing parameters for service request calls. These customers may include a Call Center Management (CCM) (not shown), and selectively choose how the calls are to be routed. The customer specified routing destinations are collected by the network, and stored in a database. Table 1 illustrates exemplary routing options available to these customers. Depending upon the response from the calling party (Step 225), and the routing destinations set up by a customer, the SLP will direct the call to a particular designated service center.

As such, Applicants respectfully submit that Applicants' specification fully supports claim 17 and does not merely further describe the requesting aspect.

**II. The Rejection of Claims 1, 17, and 31 Under 35 U.S.C. § 112.**

Applicants respectfully traverse the rejection of claims 1, 17, and 31 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner alleges that:

[n]ewly amended claims 1, 17, and 31 all recite a customer AND a calling party. As claimed for example in claim 1, data is received from a customer and then, following this step, a call is received from a different calling party, after which the call from the calling party is routed according in part to customer data. From P. 6, line 26 of the specification, and as assumed by examiner for examination purposes, the claimed customer and calling party are one in the same entity. Therefore, the above claims do not accurately represent what applicant is disclosing in the specification, i.e., servicing one entity. Furthermore, as to at least claim 1, a method is recited wherein data is received from an entity before a call is ever received from that entity.

(OA at 3.) Applicants respectfully disagree with the Examiner's characterization of Applicants' invention. As discussed above, at least page 9, lines 6-13 of Applicants' specification clearly provides support for claims 1, 17, and 31. For example, claim 1 recites "receiving data from a customer designating routing destinations for service request calls." Similarly, Applicants' specification at page 9, lines 6-8, states "[t]he

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present invention enables customers, whom are entities that own the call centers and utilize the call center screening service provided by the network, to designate the routing parameters for service request calls." Further, claim 1 recites "receiving a call from a calling party, wherein the call includes a trigger number" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations indicated by the customer data." Similarly, page 9, lines 9-13, states "[t]he customer specified routing destinations are collected by the network, and stored in a database. Table 1 illustrates exemplary routing options available to these customers. Depending upon the response from the calling party (Step 225), and the routing destinations set up by a customer, the SLP will direct the call to a particular designated service center." As such, Applicants respectfully submit that Applicants' specification supports claims 1, 17, and 31 and request the Examiner to withdraw the rejection of claims 1, 17, and 31 under 35 U.S.C. § 112, second paragraph.

**III. The Rejection of Claims 1-7, 9, 11-13, 17, 18, 20-24, 26, 31-37, 39, 41-43, and 47-49 Under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1-7, 9, 11-13, 17, 18, 20-24, 26, 31-37, 39, 41-43, and 47-49 under 35 U.S.C. § 103(a) as being unpatentable over Kennedy et al. in view of Riskin because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8<sup>th</sup> Ed.,

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Aug. 2001), quoting In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143 (8<sup>th</sup> Ed. 2001), pp. 2100-122 to 127.

Claim 1 recites a combination including, for example, "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations." At least these elements of claim 1 are neither disclosed nor suggested by Kennedy et al. Although Kennedy et al. arguably teaches, at col. 22, line 54-col. 23, line 26, receiving a request for services from mobile units and accessing a profile table to select an appropriate service center to establish a communication session with the mobile units, Kennedy et al. is silent as to "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claim 1. Indeed, Kennedy et al. teaches the storage of profile tables (Figures 7-9 and col. 24, line 14-col. 25, line 30) designating service centers that provide various service to the mobile units, but fails to teach or disclose configuring these tables based on data received "from a customer," as recited in claim 1.

The Examiner alleges that Kennedy et al. teaches these elements at col. 10, line 55- col. 11, line 39. (OA at 14.) Applicants respectfully disagree. The Examiner

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alleges that in the cited passages Kennedy et al. teaches "that a service request message 58 which is generated by or from a user action includes data that determines or helps the system to determine the appropriate service center the request to go to, reading on the claimed routing destination by the customer data. If certain data determines how to route a call or request, that data is/includes routing destination information/designation." (OA at 14.) Even assuming that the Examiner's characterizations are true, which Applicants do not necessarily accept, the Examiner has still failed to show where Kennedy et al. teaches or suggests "receiving data from a customer designating routing destinations for service request calls," as recited in claim 1. That is, the Examiner apparently interprets Kennedy et al. to teach receiving a service request and routing the request based on data contained in the request that determines or helps to determine the appropriate service center to which to route the request. However, this teaching is insufficient to teach or suggest "receiving data from a customer designating routing destinations for service request calls," as recited in claim 1. Accordingly, claim 1 is allowable over Kennedy et al.

Furthermore, Riskin does not cure the deficiencies of Kennedy et al. That is, Riskin also fails to teach or suggest at least the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claim 1. Instead, Riskin teaches "routing by reference to a territorial database containing a file for each product. A territorial file is constructed by entering the geographical area assigned to each distributor/dealer in the geographical area encompassed by the system. . . The data

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entry staff enters the territories into the computer in formats as supplied by the manufacturer." (col. 6, lines 24-49.) That is, Riskin teaches the constructing of the territorial database by data entry staff, but fails to teach configuring the database based on data received "from a customer," as recited in claim 1.

Additionally, the Examiner admits that Riskin was cited only for its alleged teaching of "dependent upon a certain number dialed, a call is routed in a certain way." (OA at 14.) Even if this allegation is true, Riskin also fails to teach or disclose "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claim 1.

For at least these reasons, Kennedy et al. and Riskin, either singly, or in combination, fail to teach each and every recitation of claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed. Claims 17 and 31, although of different scope, recite elements similar to that discussed above with regard to claim 1. Applicants therefore, respectfully request the Examiner to withdraw the rejection of claims 17 and 31 for at least the same reasons discussed above with respect to claim 1.

Claims 2-7, 9, 11-13, 18, 20-24, 26, 32-37, 39, 41-43, and 47-49 depend from claims 1, 17, and 31 and thus require all the elements of claims 1, 17, and 31. As discussed above, Kennedy et al. and Riskin fail to teach at least the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the

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calling party to the request and the designated routing destinations," as recited in claims 1, 17, and 31. Accordingly, Kennedy et al. and Riskin fail to teach all the elements required by dependent claims 2-7, 9, 11-13, 18, 20-24, 26, 32-37, 39, 41-43, and 47-49.<sup>5</sup>

**IV. The Rejection of Claims 10, 25, 40, 50, and 51 Under 35 U.S.C. § 103(a)**

Claims 10, 25, 40, 50, and 51 depend from claims 1, 17, and 31 and thus require all the elements of claims 1, 17, and 31. As explained above, claims 1, 17, and 31 are distinguishable from Kennedy et al. and Riskin. Accordingly, claims 10, 25, 40, 50, and 51 are also distinguishable from these references for at least the same reasons set forth for claims 1, 17, and 31.

Furthermore, DeVito et al. does not make up for the deficiencies of Kennedy et al. and Riskin. That is, DeVito et al. fails to teach or suggest the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations," as recited in claims 1, 17, and 31. Indeed, the Examiner merely cited DeVito et al. as teaching redundant systems wherein if one service center is detected as having a

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<sup>5</sup> As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejection of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.



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network fault condition associated therewith, transferring or rerouting the call to a redundant center. (OA at 9.)

**V. The Rejection of Claims 8, 16, 29-30, 38, and 46 Under 35 U.S.C. § 103(a)**

Claims 8, 16, 29-30, 38, and 46 depend from claims 1, 17, and 31 and thus require all the elements of claims 1, 17, and 31. As explained, claims 8, 16, 29-30, 38, and 46 are distinguishable from Kennedy et al. and Riskin. Accordingly, claims 8, 16, 29-30, 38, and 46 are also distinguishable from these references for at least the same reasons set forth for claims 1, 17, and 31.

Furthermore, Falcon et al. does not make up for the deficiencies of Kennedy et al. and Riskin. That is, Falcon et al. fails to teach the steps of "receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations" as recited in claims 1, 17, and 31 and required by claims 8, 16, 29-30, 38, and 46. Indeed, the Examiner merely used Falcon et al. to show addressing the issue of abandoned calls. (OA at 10.)

**VI. The Rejection of Claims 27 and 28 Under 35 U.S.C. § 103(a)**

Claims 27 and 28 depend from claim 17 and thus require all the elements of claim 17. As explained, claims 27 and 28 are distinguishable from Kennedy et al. and Riskin. Accordingly, claims 27 and 28 are also distinguishable from these references for at least the same reasons set forth for claim 17.

Furthermore, Fields et al. and/or Aoyama do not make up for the deficiencies of Kennedy et al. and Riskin. That is, Fields et al. and/or Aoyama fail to teach the steps of

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"receiving data from a customer designating routing destinations for service request calls" and "routing the call to one of a plurality of service centers, based upon a response from the calling party to the request and the designated routing destinations" as recited in claim 17. Indeed, the Examiner merely used Fields et al. and/or Aoyama to show detecting when a call or action is real or when it is merely a test. (OA at 12.)

#### **VII. Conclusion**

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-13, 16-18, 20-43, and 46-51 in condition for allowance. Applicants submit that the proposed amendment of claim 17 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art

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references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2347.

Respectfully submitted,  
VERIZON CORPORATE SERVICES  
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Dated: November 11, 2005

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